

Minutes

Board of County Commissioners Hyde County

January 12, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, January 12, 2009 in the Multi-Use Room, Government Center, Swan Quarter. The following members were present: Anson Byrd, Gene Ballance, Tom Davis, Sharon Spencer, and Barry Swindell. Also present were County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public.

Following a pledge of allegiance and opening prayer by Commissioner Spencer the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the January 12, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to discuss Items V. B. and C. after closed session and to accept the Agenda as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

The January 5, 2009 Meeting Minutes, and January 6, 2009 Meeting Minutes will be presented for approval at the February 2, 2009 Board of Commissioners meeting.

Public Comments:

Chairman Davis called for comments from the public.

Franklin Swindell, Engelhard – stated he was treated badly at the last Board meeting. He told the Board that they should stop wasting tax-payer dollars.

There being no further public comment, Chairman Davis continued the meeting.

Appointments:

Hyde County Department of Social Services (DSS)

Commissioner Swindell moved to appoint Commissioner Anson Byrd as representative to the Hyde County Department of Social Services Board. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

A. Budget Amendment – Health Department – Breast & Cervical Cancer

Health Director Wesley Smith has requested transfer (\$1,050.00) from Hydeland Home Health Rent line to Contract Physician line in Adult Health and Family Planning to allocate funding for a new contract with Dr. C. O. Boyette to act as Lab Director.

Commissioner Swindell moved to authorize the Health Department budget transfer of \$1,050.00. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

B. Budget Amendment – Soil & Water – Beaver Management Program

Soil & Water Director Debbie Cahoon has requested authorization of receipt of reimbursement (\$4,000.00) to the County of Hyde from the State of North Carolina.

Commissioner Spencer moved to authorize the Soil & Water Department budget amendment of \$4,000.00. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

C. Budget Amendment – Swan Quarter Watershed Phase XII – Utility Movement

The amendment reflects additional funding (\$125,000.00) to the Swan Quarter Watershed Project Phase XII from NC DENR Division of Soil & Water Conservation. The additional funding will be used to cover expenses associated with the movement of utilities for Phase XII construction.

Commissioner Swindell moved to authorize the Swan Quarter Watershed Project Phase XII budget amendment of \$125,000.00. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Option For Mainland Solid Waste Fee

Utilities Director Clint Berry reported “the Hyde County Water Department has lost 28 customers since July 1, 2008 and probably will lose about 30 more unless we can address this issue. We have a lot of hunters that have houses or camps in Hyde County that are on county water and use no water for 10 months out of the year but leave their water activated, which they pay a \$25/month flat rate. We have deactivated 28 accounts so far this year where the citizens are turning off all utilities due to them paying an additional \$20/month for the solid waste fee. It would be my recommendation that the mainland have a choice to either continue with the \$20/month curbside collection and can use any bag or not have curbside collection and purchase a blue trash bag at a rate of \$3/bag but be required to take it to the convenience site. I believe this option would give the citizens of the county a choice that will fit their household and maintain our water customer base.”

After discussion, Commissioner Swindell moved to approve the proposed Water cut-on or new activation fee increase of \$150.00; deposit for a new account fee increase of \$100.00 if property owner; if renter deposit increase to \$150.00 with the deposit returned or credited to the customer account after two years of the account being in good standing; and with a PAYT transition fee of \$40.00 with the first transition being exempt. Mr. Byrd seconded the motion. Mr. Davis asked that the PAYT transition fee be split from the main motion. Mr. Swindell, who made the motion and Mr. Byrd, who seconded the motion, both agreed. The main motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

After discussion, Commissioner Swindell moved to approve proposed Solid Waste Option 1 – curbside collection for a fee of \$20/month, and Option 2 – PAYT (Pay As You Throw); with a transition fee of \$40.00 with the first option switch being exempt. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – Chairman Davis; Absent or Not Voting – None.

Hyde County Tax Rate Sold For Mitigation

Commissioner Spencer, in light of the issue being raised by the Chamber of Commerce, asked that the Board revisit "property being bought in Hyde County to be converted to non-productive uses." The Board addressed this matter during the summer of 2008 and January 5, 2009.

After discussion, Commissioner Byrd moved for Hyde to instruct the County Attorney to draft a Hyde County Planning Board Ordinance and to schedule a Public Hearing. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Spencer moved to send a letter to Tom Walker, U.S. Army Corps of Engineers pertaining to the permit application by PCS Phosphate by which it seeks to expand its mine in Beaufort County. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Swindell; Nays – Chairman Davis; Absent or Not Voting – None.

County Commissioners Reports:

Commissioner Sharon Spencer will attend the NCACC Legislative Goals Conference to be held January 15 – 16, 2009. After request for input from other commissioners, Mr. Davis stated the Legislative Goals Committee recommendation to make "revenue options and protection" the Association's priority goal is not good for Hyde County.

Commissioner Byrd will attend the Albemarle Mental Health Board meeting on Thursday, January 15, 2009; and the Regional meeting Thursday, January 22, 2009.

Commissioner Ballance attended the ORV RegNeg meeting and that the next meeting is scheduled for January 21 – 22, 2009.

No other Board or Committee reports were offered so Chairman Davis continued with the Agenda.

County Manager's Report:

Project Reports

County Manager Carl Classen reported on the good response to the Swan Quarter Dike Project pre-bid meeting; Engelhard Water Treatment Plant; Mattamuskeet Lodge Sewer Project; and Swan Quarter Park Project.

Mattamuskeet EMS Station – Declaration Of Official Intent To Reimburse

County Manager Carl Classen reported the maximum principal amount of debt to be issued for the new Mattamuskeet EMS Station project is \$300,000.00.

Commissioner Swindell moved to adopt "County of Hyde, North Carolina Declaration Of Official Intent To Reimburse for the new Mattamuskeet EMS Station." Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "County of Hyde, North Carolina Declaration Of Official Intent To Reimburse" is attached herewith as Exhibit A and incorporated herein by reference.

Commissioner Swindell moved to approve "Mattamuskeet EMS Facility Project Ordinance." Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Mattamuskeet EMS Facility Project Ordinance" is attached herewith as Exhibit B and incorporated herein by reference.

Hyde County Video Conferencing Project

The SoundSide Group has submitted revised quotes for providing electronic meeting equipment that will be compatible with Information Highway equipment at Mattamuskeet and Ocracoke Schools.

Commissioner Byrd requested at least one additional quote for comparison at the Monday, February 2, 2009 Board of Commissioners meeting. Hearing no objection the Board so ordered.

Hyde County Public Safety Center – Mold Issue

County Manager Carl Classen reported that the number one priority at the Public Safety Center is the health of its employees. Southern Piping Company, who installed the Public Safety Center HVAC system, is moving forward on correcting the mold issue.

Hyde County – Proposed Stimulus Projects

After discussion Commissioner Swindell moved to approve the proposed priority projects as presented by County Manager Carl Classen with addition of improvements to the Drainage District # 7 pumping systems, and replacing old water system lines. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Interlocal Agreement – Building Inspection Services – Pitt County & Hyde County

The City of Greenville has agreed to provide the services of an experienced building inspector in order to provide inspection services within the territorial jurisdiction of Hyde County.

No action was taken.

Ordinance – Partial Payments For Utility Services

As follow-up to the agreement with Engelhard Sanitary District, County Attorney Sid Hassell prepared "Ordinance Specifying The Order In Which Partial Payments Are to Be Applied Among Enterprise Services" that instructs that payments received from customers in connection for goods and services provided by Hyde County for solid waste disposal, water or for sewer provided by the Engelhard Sanitary District while Hyde County bills and collects for the same under an agreement with the Engelhard Sanitary district shall be applied first to solid waste disposal charges, next to charges for sewer usage, if any, and next to charges for water usage.

After discussion, Commissioner Swindell moved to adopt "Ordinance Specifying The Order In Which Partial Payments Are To Be Applied Among Enterprise Services". Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Ordinance Specifying The Order In Which Partial Payments Are To Be Applied Among Enterprise Services" is attached herewith as Exhibit C and incorporated herein by reference.

Authorizing Resolution By Governing Body Of The Applicant – Wastewater Project

Hyde County is applying for grant funds from the Clean Water Management Trust Fund for construction of a wastewater collection and treatment system and sewer force main to serve Mattamuskeet Lodge. This resolution is required by Clean Water Management Trust Fund.

Commissioner Spencer moved to authorize execution of "Authorizing Resolution By Governing Body Of The Applicant – Wastewater Project". Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Authorizing Resolution By Governing Body Of The Applicant – Wastewater Project" is attached herewith as Exhibit D and incorporated herein by reference.

Cahoon Property – WAMI Purchase

County Manager Carl Classen reported that if the Claudia Cahoon property is purchased through WAMI fund, the State will likely lease the property for Hyde County for management and the County can sublease it to a third party for on-site management.

No action was taken.

Closed Session:

Mr. Davis moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(6) to discuss personnel matters; in accordance with NCGS §143A-318.11(a)(3) for consultation with legal counsel; and in accordance with NCGS §143A-318.11(a)(5) to discuss acquisition of property. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 8:36 P.M.

Commissioner Swindell moved to return from Closed Session. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners re-entered regular session at 9:35 P.M.

Beach Plan Insurance Rate Increase

Recent decisions of the Insurance Commissioner concerning rate adjustments to the "Beach Plan" could cause substantial insurance rate increases to many property owners in coastal counties. For Hyde County beach areas, the increase would be 32.1% and it would mean a 42.0% increase for other coastal areas in Hyde County.

Dare County has asked that the Hyde County Board of Commissioners support (joining legal action and monetary contribution) in efforts to mitigate the impact on coastal county property owners.

After discussion, Mr. Davis moved to support action by Dare County and other coastal counties; to direct County Manager Carl Classen to inquire as to cost commitment and report back to the Board; and to contribute up to \$1.00 per capita. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

Albemarle Regional Solid Waste Management Authority Contract

At the January 5 Commissioners meeting, staff was asked to contact ARSWMA about someone from ARSWMA and Republic to attend and answer questions about the contract with Republic; to contact EJE Recycling about disposal options offered by that firm; and to contact NCDENR about County solid waste disposal responsibilities.

After receiving report from County Attorney Sid Hassell, Mr. Swindell moved to approve the Albemarle Regional Solid Waste Management Authority Contract with the understanding that Hyde County might open its own C & D Landfill. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

Mr. Davis moved to amend the David's Trash Service Contract accordingly. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 10:50 PM.

Respectfully submitted:

Minutes approved on the _____ day of _____, 2009.

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

Tom Davis, Chairman - Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *"County of Hyde, North Carolina Declaration Of Official Intent To Reimburse"*

Exhibit B – *"Mattamuskeet EMS Facility Project Ordinance"*

Exhibit C – *"Ordinance Specifying The Order In Which Partial Payments Are To Be Applied Among Enterprise Services"*

Exhibit D – *"Authorizing Resolution By Governing Body Of The Applicant – Wastewater Project"*